

AFFIRM the Trial Court Order; and Opinion Filed April 1, 2019.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-18-00567-CV

DARLENE C. AMRHEIN, Appellant

V.

**ATTORNEY LENNIE F. BOLLINGER AND
WORMINTON & BOLLINGER LAW FIRM, Appellees**

**On Appeal from the County Court at Law No. 6
Collin County, Texas
Trial Court Cause No. 006-02654-2017**

**MEMORANDUM OPINION ON MOTION TO REVIEW TRIAL
COURT ORDER SUSTAINING CONTEST TO APPELLANT'S
STATEMENT OF INABILITY TO AFFORD COURT COSTS**

**Before Justices Whitehill, Molberg, and Nowell
Opinion by Justice Molberg**

By order dated February 27, 2019, we construed appellant's motion "to supplement this court record" as requesting, in part, a review of the trial court's order sustaining the contest to appellant's statement of inability to afford costs. As directed to do so by our February 27th order, the trial court clerk and court reporter have filed a record of the trial court proceedings on appellant's claim of indigence. We have reviewed the record and conclude, under the applicable abuse-of-discretion standard of review, the contest was correctly sustained. *See Basaldua v. Hadden*, 298 S.W.3d 238, 241 (Tex. App.—San Antonio 2009, no pet.) (per curiam); *Donalson v. Barr*, 86 S.W.3d 718, 719-20 (Tex. App.—Houston [1st Dist.] 2002, no pet.) (per curiam).

As reflected in the record, the court reporter filed a contest to appellant's statement, and a hearing was held. The parties were notified of the hearing, but appellant failed to appear and failed to request a continuance.

Texas Rule of Civil Procedure 145, which governs statements of inability to afford payment of costs, places the burden of proof at a contest hearing on the party who filed the statement. *See* TEX. R. CIV. P. 145(f)(5). Not having appeared at the hearing, appellant failed to satisfy her burden of proof, and the trial court did not abuse its discretion in sustaining the contest. *See id.* Accordingly, we affirm the trial court's order.

/Ken Molberg/

KEN MOLBERG
JUSTICE

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